(3)

No. 96-873

Supreme Court, U.S.
FILED
FEB 21 1997
CLERK

In the

Supreme Court of the United States

OCTOBER TERM, 1996

APOSTOLOS TSIMBIDAROS
Petitioner,

v.

INTERNATIONAL BROTHERHOOD OF PAINTERS AND ALLIED TRADES, AND PAINTERS LOCAL UNION 1719
Respondents.

On Petition For Writ Of Certiorari To The United States Court of Appeals For The Second Circuit.

REPLY TO BRIEF IN OPPOSITION

APOSTOLOS TSIMBIDAROS
72 Whittier Street
Bridgeport, CT 06605
(203) 334-2578
Petitioner Pro Se

25 pp

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES.....iii

STATEMENT OF THE CASE..... 1

REASONS FOR REPLY..... 2

I. THE PETITIONER ARGUED AND PLED THAT THE RESPONDENTS VIOLATED THE AMERICANS WITH DISABILITIES ACT. THE RESPONDENTS DISCRIMINATED AGAINST THE PETITIONER THROUGHOUT THIS CASE; THE DISTRICT COURT CONDONED THIS DISCRIMINATION. 2

A. THE PETITIONER ASSERTED MANY TIMES THAT THE RESPONDENTS DISCRIMINATED AGAINST HIM..... 2

B. THE RESPONDENTS WERE WELL AWARE AND INFORMED OF THE PETITIONER'S DISABILITIES..... 3

II. THE DISTRICT COURT ABUSED ITS DISCRETION WHEN IT SANCTIONED THE PETITIONER AND NOT THE RESPONDENTS FOR DISCOVERY VIOLATIONS..... 4

A. THE PETITIONER COMPILED WITH DISCOVERY 4

B. THE RESPONDENTS VIOLATED THE SPIRIT AND TEXT OF DISCOVERY RULES..... 5

III. THE DISTRICT COURT ERRED IN AWARDING COSTS THAT WERE UNREASONABLE. THE RESPONDENTS WILFULLY INCURRED UNNECESSARY AND UNREASONABLE COSTS..... 6

TABLE OF CONTENTS - Continued

Page

IV. THE DISTRICT COURT ABUSED ITS DISCRETION WHEN IT DISMISSED THE PETITIONER'S CASE ACCORDING RULE 37..... 8

V. THE UNITED STATES SUPREME COURT HAS THE AUTHORITY TO AND SHOULD REVIEW THIS CASE. OTHERWISE, THE DISCRIMINATION OF PERSONS WITH DISABILITIES AND UNION MEMBERS WILL CONTINUE. 9

CONCLUSION..... 10

TABLE OF AUTHORITIES

Page

Cases

U.S. v. Boch Oldsmobile Inc., 909 F.2d 657, 660 (1st Cir. 1990).....10

Supreme Court Rules

Rule 15.....1

Rule 17.....1

Rule 33(g).....1

Federal Rules of Civil Procedure

Rule 37.....8,9

Constitution And Statutes

Americans with Disabilities Act.....2,8,9

LMRA § 301.....3,10

In the
Supreme Court of the United States

No. 96-873

APOSTOLOS TSIMBIDAROS
Petitioner,

v.

INTERNATIONAL BROTHERHOOD OF PAINTERS AND ALLIED TRADES, AND PAINTER LOCAL UNION 1719
Respondents.

On Petition For Writ of Certiorari
To The United States Court of Appeals
For the Second Circuit

PETITIONER'S REPLY TO BRIEF IN OPPOSITION

STATEMENT OF THE CASE

The Petitioner, Apostolos Tsimbidaros, pursuant to Supreme Court Rules 15 and 17, respectfully replies to the Respondents' brief in opposition to his petition for writ of certiorari.

The Respondents' brief in opposition violates United States Supreme Court Rule 33(g). Their brief is beyond thirty pages, in violation of page limitations.

The Petitioner will clear up the Respondents' misrepresentation of the facts critical to this

case. The Respondents painted an inaccurate picture which does not conform to the facts. The Petitioner respectfully asks this Honorable United States Supreme Court the opportunity to align the facts of the case to reality.

The reality of this case is harsh. The Respondents discriminated against an elderly, disabled man. The lower courts condoned this discrimination.

REASONS FOR REPLY

I. THE PETITIONER ARGUED AND PLED THAT THE RESPONDENTS VIOLATED THE AMERICANS WITH DISABILITIES ACT. THE RESPONDENTS DISCRIMINATED AGAINST THE PETITIONER THROUGHOUT THIS CASE; THE DISTRICT COURT CONDONED THIS DISCRIMINATION.

A. THE PETITIONER ASSERTED MANY TIMES THAT THE RESPONDENTS DISCRIMINATED AGAINST HIM.

The Respondents argue that this Honorable United States Supreme Court should close its eyes to their violations of the Americans with Disabilities Act. The Respondents argue that the Petitioner never alleged any discrimination, so this Honorable Court should not look at and consider any discrimination the Respondents inflicted upon the Petitioner. (Brief in Opposition at 6-9).

The Respondents, however, failed to mention to this Honorable Supreme Court that the Petitioner pled violations of the Americans with Disabilities Act from the very beginning of this lawsuit. For example, the Respondents admit this in their memorandum in support of their Joint Motion for Dismissal With Prejudice dated January

31, 1995. In the footnote that runs from page 10 through 12 of that document, the Respondents state that "the gravaman of the plaintiff's lawsuit is that the defendants violated section 301 of the LMRA by failing to refer the plaintiff work suited only for able bodied in lost wages."

B. THE RESPONDENTS WERE WELL AWARE AND INFORMED OF THE PETITIONER'S DISABILITIES.

The Respondents insist that the Petitioner never produced documentation to prove that he was incapacitated and under doctor's care. Once again, the Respondents claims do not match the facts.

The Petitioner filed three separate requests with the District Court respectfully requesting delays in the suit due to surgeries. Along with these requests, the Petitioner filed pre-surgical medical documents with the District Court and with the Respondents. These records clearly indicate that the Petitioner suffered from disabilities.

The Respondents, however, either were not satisfied with these documents or cruelly wanted to watch the severely disabled Petitioner stumble through hoops. The Respondents asked the Petitioner's physician to examine him and to provide an additional medical report to be used by the Respondents.

Since the Respondents sought this medical report, the treating physician sought payment from the Respondents. But, the Respondents refused to take the necessary steps to obtain this report. On several occasions, the Petitioner filed papers with the District Court and the respondents indicating that the treating physician wanted to get paid.

Yet, the Respondents, with complete

disrespect for this Honorable Supreme Court, continue to assert that the Petitioner failed to produce any medical records regarding his physical condition.

II. THE DISTRICT COURT ABUSED ITS DISCRETION WHEN IT SANCTIONED THE PETITIONER AND NOT THE RESPONDENTS FOR DISCOVERY VIOLATIONS.

A. THE PETITIONER COMPLIED WITH DISCOVERY

The Respondents assert that the Petitioner violated discovery rules. (Brief in Opposition at 13-15). The Respondents, however, fail to mention how they violated the spirit of discovery and how the Petitioner complied with their numerous inconsistent, unreasonable discovery requests despite his disabilities.

The Respondents were fully aware of the serious medical condition of the Petitioner. Despite this knowledge, the Respondents sought to depose the Petitioner on August 13, 1993. The Respondents mislead this Honorable Supreme Court with the impression that the Petitioner stopped or hampered this deposition.

Before the deposition started, the Petitioner wanted a statement of his physical condition to appear on the record. Following this, the Respondents subjected the Petitioner to a very lengthy deposition. Contrary to the picture brushed by the Respondents, the Respondents had the opportunity to ask as many questions as they wanted. The Respondents asked enough questions to fill a thirty five page typed transcript.

B. THE RESPONDENTS VIOLATED THE SPIRIT AND TEXT OF DISCOVERY RULES.

The Respondents paint the picture that their hands are clean. But, the Respondents hands are filthy; the Respondents thwarted discovery while mocking the elderly, pro se, disabled Petitioner. The Respondents took off their angel wings exposing discovery "monsters," not interested in the truth.

The Respondents direct this Honorable Supreme Court's attention to the first deposition of the Petitioner. The Respondents failed to mention two facts about this deposition.

First, the Respondents brought a threatening figure to intimidate the Petitioner at this deposition. This "bodyguard" is not a party to the case. He weighed 400 pounds and towered over the Petitioner. The District Court would not authorize his presence. Meanwhile, the Petitioner's arm was in a sling; the Petitioner underwent surgery weeks earlier. This bully, egged on by the Respondent attorneys, assaulted the Petitioner. He menaced and intimidated the Petitioner. Promises were made to break the Petitioner's arm. Then, the abuse became physical.

Second, the Respondents demanded that the Petitioner hand over important documents to be copied. The Respondents failed to return some crucial pieces of evidence. The level of unprofessionalism was great; the Respondent attorneys even failed to mark these documents for identification.

But, the Respondents were not satisfied with their efforts to degrade the disabled Petitioner. The Respondents decided to schedule another deposition for January 26, 1996 to perhaps finish the job.

The Respondents continued to thwart discovery

after the first deposition. Based on their actions, it seems that the Respondents tried to hide the truth. The Respondents filed two sets of interrogatories. They sent one set to the petitioner by mail. They left another set in the petitioner's mail box late at night. Each set of interrogatories involved different sets of questions.

The Petitioner asked the Respondent attorneys which set of interrogatories he should answer. The Respondents refused to respond.

With no other alternative, the Petitioner sought a determination by the District Court as to which set of interrogatories he should answer. The District Court reached this conclusion close to a year after the petitioner's request.

Instead of sanctioning the Respondents, the District Court sanctioned the Petitioner clearly abusing its judicial discretion. At the time, U.S. District Judge Daly, the judge assigned the case, suffered through the excruciating effects of cancer. It was impossible for him to perform his duties. His illness was terminal. Thus, Magistrate Smith made the critical decisions of discovery, discovery sanctions, and dismissal. Magistrate Smith, a card carrying union member and supporter, should have disqualified himself from the case. His pro-union animus is evidenced by his questionable, pro-union decisions.

III. THE DISTRICT COURT ERRED IN AWARDING COSTS THAT WERE UNREASONABLE. THE RESPONDENTS WILFULLY INCURRED UNNECESSARY AND UNREASONABLE COSTS.

The Respondents claim that the District Court did not abuse its discretion in awarding fees and costs against the Petitioner. (Brief in Opposition at 12-13). The Respondents, however,

suspiciously failed to address the Petitioner's contention that the Respondents unreasonably escalated their costs. This omission is neither accidental nor coincidental. Rather, the Respondents are unable to create a reasonable excuse.

A District Court may impose costs "reasonably" incurred by attorneys. A court may not force a party to be responsible for costs the other party incurred unreasonably.

The Respondents deposed the Petitioner on August 15, 1993. In December of 1995, the Petitioner underwent a serious surgical procedure. He immediately documented this procedure with the District Court and the Respondents. The Respondents then scheduled to depose the Petitioner for January 26, 1996. The Petitioner immediately filed motions with the District Court because the Respondents would not voluntarily postpone the deposition a few weeks in order to allow the Petitioner to recuperate. The Petitioner contacted Respondent Attorney David McCarry and reiterated that he would not be able to attend the deposition on the date scheduled. In addition, the Petitioner instructed him to contact the court reporter and the other attorneys of the cancellation.

Instead, Respondent Attorney David McCarry ordered that fellow attorney Barbara Camens purchase a round-trip plane ticket from Washington, D.C. to Connecticut. He also ordered that she take a taxi to and from the airport. His cost escalation did not stop there; he ordered the court reporter to arrive anyway. He submitted a cost of $2,344 for this deposition which the District Court awarded.

The Respondents argue to this Honorable Supreme Court that these costs are "reasonable" simply because the District Court sanctioned them.

(Brief in Opposition at 12). End of argument and discussion, according to the Respondents.

IV. THE DISTRICT COURT ABUSED ITS DISCRETION WHEN IT DISMISSED THE PETITIONER'S CASE ACCORDING TO RULE 37.

The Respondents cry that the behavior of the Petitioner reached the level of Rule 37 sanctions. (Brief in Opposition at 14). The District Court cited that it dismissed the case because the Petitioner did not attend a second deposition. But, the Respondents fail to bring to light to this Honorable Supreme Court the circumstances involving this second deposition. The circumstances clearly show that the District Court allowed the Respondents to violate the Americans with Disabilities Act.

The Respondents deposed the Petitioner on August 15, 1993. The Respondents had the opportunity to ask the Petitioner all the questions they wanted. The Petitioner informed the Respondents that his surgeon would perform a serious surgery on him in December of 1995. The Respondents decided to schedule a second, unnecessary deposition for January of 1996, a few weeks after this serious surgery. The Respondents knew the Petitioner could not use his hands due to the surgery. Yet the Respondents sought the deposition an hour and a half away from the Petitioner's home in the middle of a terrible New England winter.

The Petitioner's only hope for justice was through the District Court. He asked that the District Court step in to provide reasonable accommodations for this deposition in accordance with the Americans with Disabilities Act.

Unfortunately, the pro-union Magistrate failed him. The District Court failed to authorize

reasonable accommodations. Magistrate Smith ordered a sick, incapacitated person unable to even take care of his personal needs at the time, to travel one and a half hours each way. At the time, the Petitioner took 500mg of Naprosyn every four hours and 5mg of Diabata twice a day. The District Court took the further step of dismissing the Petitioner's case according to Rule 37 when he failed to attend the deposition.

V. THE UNITED STATES SUPREME COURT HAS THE AUTHORITY TO AND SHOULD REVIEW THIS CASE. OTHERWISE, THE DISCRIMINATION OF PERSONS WITH DISABILITIES AND UNION MEMBERS WILL CONTINUE.

In their brief in opposition, the respondents belittle and reduce the petitioner's plea as an attempt to get a "sympathy vote" from this Honorable United States Supreme Court. (Brief in Opposition at 13-15). Apparently, the Respondents do not blink at discriminating against the disabled and against honest union members who pay their union dues.

State and federal law requires that unions ensure that government funded projects include the hiring of people with disabilities. Local 1719 failed to hire the legal proportionate number of people with disabilities. In addition, the Respondents failed to ensure reasonable accommodations as required by the Americans with Disabilities Act. The disabled and other union members starved on the "out-of-work" list. The Respondents, Local 1719 and the International, allowed out of town contractors to complete massive projects, funded by the Department of Housing and Urban Development and other federal agencies, without hiring persons with disabilities and without making reasonable accommodations.

The Petitioner brought suit and notified the

District Court of the discrimination committed by the Respondents. Yet, the Respondents insult this Honorable Supreme Court by claiming ignorance of such discrimination. The Respondents, however, knew what the Petitioner alleged when he filed this case with the District Court. For example, the Respondents admitted, in the footnote that runs from page 10 through 12 of their Joint Motion for Dismissal With Prejudice dated January 31, 1995, that "the gravaman of the plaintiff's lawsuit is that the defendants violated section 301 of the LMRA by failing to refer the plaintiff work suited only for able bodied in lost wages." The Respondents, like legal assassins, killed the Petitioner's case and spirit.

The Supreme Court can accept a petition for Writ of Certiorari when the case presents extraordinary circumstances. U.S. v. Boch Oldsmobile Inc., 909 F.2d 657, 660 (1st Cir. 1990). The rights of the disabled and handicapped Americans have been violated. This Honorable United States Supreme Court can and should halt this discrimination by granting this writ.

CONCLUSION

For the foregoing reasons and those stated in the Petitioner's original Writ, the Petition for Writ of Certiorari should be granted.

Respectfully submitted,

Apostolos Tsimbidaros

Apostolos Tsimbidaros
Petitioner
Pro Se
72 Whittier Street
Bridgeport, CT 06605
(203) 334-2578

TABLE OF CONTENTS OF APPENDIX

Page

PLAINTIFF'S FIRST REQUEST FOR DELAY DUE TO SURGERY ..... App. 2

PLAINTIFF'S SECOND REQUEST FOR DELAY DUE TO SURGERY..... App. 3

PLAINTIFF'S THIRD REQUEST FOR DELAY DUE TO SURGERY ..... App. 4

PLAINTIFF'S MOTION FOR DEPOSITION TO BE TAKEN BY TELEPHONE..... App. 5

PLAINTIFF'S MOTION FOR DEPOSITION UPON WRITTEN QUESTIONS..... App. 6

PLAINTIFF'S FIRST MOTION FOR SUPPLEMENTAL PLEADINGS..... App. 7

PLAINTIFF'S SECOND MOTION FOR SUPPLEMENTAL PLEADINGS..... App. 8

MOTION TO ENFORCE THE RICO STATUTE AGAINST THE DEFENDANTS..... App. 9

MEDICAL REPORTS INDICATING DISABILITIES PRIOR TO 1993..... App.10

200

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

App. 2

Aug 23 9 29 AM '94

Apostolos Tsimbidaros
Plaintiff

Civil Action No.

V.

FILED

national Brotherhood of
ers and Allied Trades AND
ers Local Union 1719
Defendants

5:92 CV 345 (TFGD)

B

August 24,1994

PLAINTIFF'S REQUEST FOR DELAY DUE TO SURGERY

tiff respectfully is asking the honorable court for a sort delay due
upcoming surgery.

tiff wishes to inform the honorable court and the counsel for the
dants that August 23,1994 has completed pre-admitting tests and he is
ked in " for a series of a left arm surgery starting on August 30,1994.

tiff will have a cast or a splint for an unknown period and from past
ience he will be under " pain Killers " during this time of incapacitation
ecovery.

Respectfully Submitted
Apostolos Tsimbidaros
plaintiff
72 Whittier Street
Bridgeport,Conn.,06605
Phone No.203-334-2578

October 7, 1994. Civil No. 5:92-345 (TFGD) (filing 200).
DENIED. This motion appears to be moot.

THOMAS P. SMITH
U.S. MAGISTRATE JUDGE

FILED
OCT 7 3 01 PM '94

210

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

Nov 16 9 16 AM '94

App. 3

Apostolos Tsimbidaros
Plaintiff

V.

International Brotherhood of
Painters and Allied Trades AND
Painters Local Union 1719
Defendants

Civil Action No.

5:92 CV 345(TFGD)

November 14,1994

PLAINTIFF'S REQUEST FOR DELAY DUE TO SURGERY

.....

Plaintiff respectfully is asking the honorable court for a sort delay due to upcoming surgery.

Plaintiff wishes to inform the honorable court and the counsel for the defendants that on Monday November 28,1994 is scheduled for Medial and Ulnar nerves release surgery.

Plaintiff will have a cast or a splint for an unknown time and from past experience will be under " pain killers " during this incapacitation and recovery.

Respectfully Submitted
Apostolos Tsimbidaros
Apostolos Tsimbidaros
plaintiff
72 Whittier Street
Bridgeport,Conn.,06605
Phone No.203-334-2578

DEC 1 1 55 PM '94

December 15, 1994. Civil No. 5:92-345 (TFGD) (filing 210). The motion for delay due to surgery is GRANTED, absent objection. All pretrial deadlines remain the same.

Thomas P. Smith
Thomas P. Smith
U.S. Magistrate Judge

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT FILED App. 4

Apostolos Tsimbidaros
Plaintiff

V.

International Brotherhood of
Painters and Allied Trades AND
Painters Local Union 1719
Defendants

Civil Action No. 5:92 CV 345 (AWT)

April 4,1995

PLAINTIFF'S REQUEST FOR A 30 DAY DELAY DUE TO SURGERY

Plaintiff acting as his own attorney respectfully is asking the honorable court for a 30 day delay due to upcoming surgery.

Plaintiff wishes to inform the honorable court and the counsel for the defendants that April 27,1995 he is scheduled for surgery on his left arm(elbow) for the release of " entraped nerves ".

Also that plaintiff has to undergo certain pre-surgery tests in between now and April 27,1995.

From past experience plaintiff's arm will be wrapped up to a sort of a splint or cast for 2 or 3 weeks and prescribed pain killers will be given to ease the pain.

5/12/95. Moot.
Thomas P. Smith
U.S.M.J.

Respectfully Submitted

Apostolos Tsimbidaros
Plaintiff
72 Whittier Street
Bridgeport,Conn.,06605
Phone No.203-334-2578

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

App. 5

Apostolos Tsimbidaros
Plaintiff

V.

International Brotherhood of
llied Trades AND
. Union 1719
ndants

Civil Action No.

5:92 CV 345 (AWT)

January 17,1995

TIFF'S MOTION FOR DEPOSITION TO BE TAKEN BY TELEPHONE

uant to local rule 9(a)(1) and federal rule 30(b)(7):theparties
deposition to be taken by telephone,respectfully is asking
court·s permission the defendants to take their deposition

iable to travel and unable to go out on torterous weather,
ctfully is asking the honorable court to instruct the
ake their deposition by telephone.

le 32(a)(3)(c):Witness is unable to travel due to unknown
ons or due to illness,should be taken under consideration.

S NOT REQUIRED

Respectfully Submitted
Apostolos Tsimbidaros
plaintiff
72 Whittier Street
Bridgeport,Conn.,06605
Phone No 203-334-2578

January 30, 1995. Civil No. 5:92-345 (AWT) (filing 216). DENIED.

Thomas P. Smith
U.S. Magistrate Judge

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

App. 6

Apostolos Tsimbidaros
Plaintiff

V.

International Brotherhood of
Painters and Allied Trades AND
Painters Local Union 1719
Defendants

Civil Action No.

5:92 CV 345 (AWT)

January 17,1995

PLAINTIFF'S MOTION FOR WRITTEN QUESTIONS FOR DEPOSITION.

.....

Plaintiff pursuant to local rule 9(a)(1) and federal rule 31(a)respectfully moves to file this motion with the honorable court,deposition upon written questions.

Plaintiff due to recent surgeries and slow recovery process and permanent nerve injuries on his left arm,is unable to travel under inclement weather conditions occuring during th month of January.

Therefore plaintiff been concern for his life and the life of others , respectfully is asking the honorable court to grand his motion for deposition under written questions and instruct the defendants to do so.

Respectfully Submitted
Apostolos Tsimbidaros
Apostolos Tsimbidaros
plaintiff
72 Whittier Street
Bridgeport,Conn.,06605
Phone No.203-334-2578

ORAL ARGUMENT IS NOT REQUIRED

.....

January 30, 1995. Civil No. 5:92-345 (AWT) (filing 215). DENIED.

Thomas P. Smith
U.S. Magistrate Judge

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

App. 7

Apostolos Tsimbidaros
Plaintiff

Civil Action No.

V.

International Brotherhood of
Painters and Allied Trades AND
Painters Local Union 1719
Defendants

5:92 CV 345 (TPGD)

February 18,1994

PLAINTIFF'S MOTION FOR SUPPLEMENTAL PLEADINGS

Plaintiff pursuant to local rule 9(a) and 15(d) moves to file this motion with the honorable court because occurrences and events requiring the transaction.

Plaintiff with his EXHIBIT No.1,already filed with the honorable court has shown that he had physical injuries occured 1987 and 1993.

Plaintiff with the honorable court's permission wishes to add to his pleadings:

1)Americans with disabilies Act of 1990,42 U.S.C.12102 §§3602(n),3604(c).

2)Rehibilitation Act of 1973,29 U.S.C. §§706-795(i).

3)Age discrimination in Employment Act of 1967,29 U.S.C §§623(a)-621-634.

4)Executive order 12201 protecting individuals with disabilities.

5)Regulatory Flexability Act.

ORAL ARGUMENT IS NOT REQUESTED

Respectfully Submitted

Apostolos Tsimbidaros

Apostolos Tsimbidaros
Plaintiff
72 Whittier Street
Bridgeport,Conn.,06605
Phone No.203-334-2578

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

App. 8

Apostolos Tsimbidaros
Plaintiff

V.

International Brotherhood of
Painters and Allied Trades AND
Painters Local Union 1719
Defendants

Civil Action No.

5:92 CV 345 (TFGD)

July 20,1994

PLAINTIFF'S MOTION FOR SUPPLEMENTAL PLEADINGS

Plaintiff pursuant to rule 8(a) of the Fed.R. of Civ.P. and 15(d) moves to file this motion with the honorable court because occurrences and events are requiring the transaction.

Plaintiff with his exhibit No.1, already filed with the honorable court has shown that he had physical injuries occurred 1987 and 1993.

Plaintiff with the honorable court's permission wishes to add to his original pleadings ,the following new pleadings :

1)Americans with disabilities Act of 1990,42 U.S.C.12102:§§3602(n),3604(c).

2)Rehibilitation Act of 1973,29 U.S.C §§706-795(i).

3)Age discrimination in Employment Act of 1967,29 U.S.C §§623(a),621-634.

4)Executive Order 12201.

5)Regulatory Flexability Act

6)29 CFR.1604.6(a).Internal segregation within an agency is illegal and unlawful.

All these acts provide releif,which plaintiff has stated in his original pleadings.

Respectfully Submitted
Apostolos Tsimbidaros
Plaintiff
72 Whittier Street
Bridgeport,Conn.,06605
Phone No.203-334-2578

ORAL ARGUMENT IS NOT REQUIRED

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

Apostolos Tsimbidaros
Plaintiff

V.

International Brotherhood of
Painters and Allied Trades AND
Painters Local Union 1719
Defendants

Civil Action No.

5:92 CV 345 (TPGD)

August 2,1994

MOTION TO ENFORCE THE RICO STATUTE AGAINST THE DEFENDANTS

Plaintiff pursuant to local rule 9(d)(4) respectfully is asking the honorable court to enforce the Racketeer Influenced and Corrupt Organizations Act 28 U.S.C.§ 1331 against the defendants.

The painters union have been engaged in a pattern of racketeering and have purpotedly and fraudulently breached their fiduciary duty to their members by collecting dues and other monthly payments without giving the union members any of the benefits.

Instead of placing members to work,the union higher ups used the money collected for their own benefits.

Painters Local 1719 by-laws states that " any placement to work,shall be through the Business Representative's office ".

The painters constitution(mandatory clauses) states that "75 percent of the work force as far as the out of Town painting contractors is concerned should be from the locality and 25 percent from the contractor's home office."

29 CFR 1604.6(a) states that: "internal segregation within an agency is illegal and unlawful".

ORAL ARGUMENT IS NOT REQUESTED

Respectfully Submitted

Apostolos Tsimbidaros

plaintiff

72 Whittier Street
Bridgeport,Conn.,06605
Phone No.203-334-2578

STATE OF CONNECTICUT — J Armstrong 10/16/81

DEPARTMENT OF EDUCATION
Division of Vocational Rehabilitation

WELFARE DEPARTMENT
Public Assistance

Bureau of Client Services
Division of Rehabilitation Services
1470 Barnum Avenue
Bridgeport CT 06610

☐ AID TO DEPENDENT CHILDREN ☐ AID TO DISABLED

CASE NO. | DATE OF APPLICATION

AUTHORIZATION FOR RELEASE OF MEDICAL INFORMATION

SIGNED (Patient or parent)

TO BE FILLED IN BY THE VOCATIONAL REHABILITATION COUNSELOR OR WELFARE SOCIAL WORKER

PATIENT DATA

PATIENT'S NAME: PAUL TSIMBIDAROS | AGE: 57 | SEX: Male

PATIENT'S ADDRESS: 72 Whittier Street, Bridgeport, Connecticut 06605

PATIENT'S STATEMENT OF HIS DISABILITY:

REMARKS:

EXAMINATION IS REQUIRED TO ESTABLISH INDIVIDUAL'S ELIGIBILITY FOR
☒ VOCATIONAL REHABILITATION SERVICES ☐ PUBLIC ASSISTANCE

TO BE FILLED IN BY THE EXAMINING PHYSICIAN

HISTORY

ESSENTIAL CLINICAL DATA, WITH DATES, SUPPORTING DIAGNOSIS AND DISABILITY

Fracture of both arms — left arm has plates
screws and wires in left elbow and forearm
Right wrist (Colles) ua.

HEIGHT - FT IN	WEIGHT	TEMPERATURE	PULSE	RESPIRATION	BLOOD PRESSURE	SYSTOLIC	DIASTOLIC
5 | 8	148		/Min.	20 /Min.		12	72

☐ DYSPNEA ☐ CYANOSIS ☐ EDEMA

VISION	WITHOUT GLASSES	WITH GLASSES
R 20/	L 20/	R 20/ 30 L 20/ 20

HEARING: R 2/20 | L 2/20 — RECORD AS NUMERATOR, GREATEST DISTANCE AT WHICH CONVERSATIONAL VOICE IS HEARD; DENOMINATOR 20 feet as normal.

PHYSICAL EXAMINATION (Check ✓ if items are normal; describe deviations from normal)

EYES: discharge; corneal scar, pupils, strabismus; Ptosis; cataract; lesion.	✓
EARS: discharge; drums; mastoids	✓
NOSE: discharge; obstruction; polyps; sinusitis; septal deviation or perforation	✓
MOUTH: Pharynx; caries; dentures; spontaneity of tongue of palate.	✓
THROAT: Tonsils; post-nasal discharge.	✓
NECK: Nodules; thyroid; enlarged veins.	✓
BREASTS: nodules; discharge; tenderness	✓
LYMPHATICS: cervical; inguinal; axil.	✓
HEART: thrills; apex beat; size; sounds; rate; rhythm; murmur; friction rub.	✓
PERIPHERAL VESSELS: Varicose veins; arteriosclerosis; circulation of feet, hands	✓
LUNGS: If tuberculosis is suspected, roentgenogram chest advised. Sputum exam; and examination by chest specialist.	
ABDOMEN: Scars; masses; palpable organs	
HERNIA: Location and type	
GENITO URINARY: Discharge; varicocele; epididymitis, testicular ... any of these	✓

App. 10

(OVER)

PHYSICAL EXAMINATION (Continued)

GYNECOLOGICAL: BREASTS, GENITALIA; VAGINA, CERVIX, UTERUS, ADNEXA	
ANO-RECTAL: PENIS, PROSTATE; HERNIA, RECTUM, PROSTATE = STOOL GUAIAC TEST	
MUSCULO-SKELETAL: EXTREMITIES; GRIP, GAIT; SPINE; DEFORMITIES	Swollen left wrist — left arm and elbow deformed — left elbow tender, painful, and decreased ROM
SKIN: MOISTURE, ERUPTIONS, SCARS; ULCERS	
NEUROLOGICAL: SENSORY, GAIT; REFLEXES; TREMOR; MUSCLE BULK; STRENGTH; RETARDED; COORDINATION	
FUNDI: DISCS; VESSELS; EXUDATES; HEMORRHAGES	

LABORATORY

A recent urinalysis and blood test are required; the other tests should be indicated only.

	DATE OF TEST	NAME OF TEST		REPORT
BLOOD SEROLOGY:				
URINALYSIS:	DATE OF TEST	PROTEIN	SUGAR	MICROSCOPIC
	10/24/95	Neg	Neg	Neg

DIAGNOSIS

INDICATE MAJOR AND MINOR

1. Deformity of left arm and elbow
2. Deformity of right wrist.

PROGNOSIS

- [x] STABLE
- [ ] PROGRESSING RAPIDLY
- [ ] PROGRESSING SLOWLY
- [ ] IMPROVING
- [ ] RECURRING
- [x] PERMANENT
- [ ] CAN BE SUBSTANTIALLY REDUCED OR REMOVED BY TREATMENT

FUNCTIONAL LIMITATIONS

PHYSICAL OR MENTAL LIMITATIONS (If any, list on separate sheet)

Number of hours per day of work, training, or home maker duties permitted:	WORKING CONDITIONS AND TYPES OF ACTIVITY TO BE AVOIDED

RECOMMENDATIONS

Use or state: and give date. Prior approval is required before recommendation is authorized.

DIAGNOSTIC STUDIES

EXAMINATION BY SPECIALIST

HOSPITALIZATION

PROSTHETIC APPLIANCES

App. to

RE EXAMINATION

TREATMENT (continue on separate)

REMARKS

OCT 25 1995

PHYSICIAN

SIGNATURE	SPECIALTY	ADDRESS	EXAMINATION DATE
[illegible]	ED	1235 [illegible]	10/24/95